

60130-1269
01MRA0520**REMARKS**

Claims 1-22 and 24-26 are currently pending. Claims 1, 19 and 26 have been amended. The drawings were objected to for failing to shown attachment members attached to a sealed plate. Applicant has enclosed proposed drawing changes that show the attachment between the attachment members and the sealed plates. These features were presented in the originally filed claims and therefore do not constitute new matter. Claim 26 has been amended to comply with the requirements of 35 U.S.C. §112.

Claims 1-22 and 24-26 were rejected as being anticipated by Endo et al. (U.S. 5,267,633). Amended claim 1 requires an electro-reactive medium disposed within a chamber that is different from a compressible medium that is also disposed within the chamber. Amended claim 19 requires the step of separating adjacent layers of compressible medium and electro-reactive medium within a housing with movable plates, where the electro-reactive medium is different from the compressible medium. Amended claim 26 requires a layer of electro-reactive fluid separated from a dampening fluid, where the electro-reactive fluid is different than the dampening fluid.

Endo et al. discloses an electrorheological fluid (12) that changes physical properties in the presence of an electric field generated by a positive electrode plate (29) and a negative electrode plate (30). (Col 8, lines 37-45, and Figure 5) Endo et al. does not disclose a compressible medium that is different than the electro-reactive medium disposed within a common chamber as is required by claims 1, 19 and 26. Instead, Endo et al. discloses only the electro-reactive medium (12). Accordingly Endo et al cannot anticipate claims 1, 19 and 26.

Further, claim 1 requires a coil assembly associated with the layer of electro-reactive medium. Endo et al. only discloses positive and negative electrode plates (29,30). An electrode plate does not meet the limitation of a coil. Further, the office action mis-identifies box (40) in Figure 6 as a coil. Reference numeral (40) refers instead to a power source (Col 9, lines 64-65). Accordingly, Endo et al cannot meet the limitation of a coil assembly associated with the layer of electro-reactive medium.

In addition, several of the dependent claims require features not disclosed by Endo et al. What follows is a discussion of features required by several dependent claims that are not present in Endo et al.

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Claim 4 requires a recess within the housing into which the electro-reactive medium extends to limit movement of the layer of electro-reactive medium relative to the housing. Claim 5 requires that the electro-reactive medium locks into the housing to prevent relative movement relative to the housing. The office action mis-identified Figure 4B of Endo et al. as disclose a recess. Instead, Endo et al discloses a rubber seal (27) for spacing the two electrode plates apart and preventing contact between the plates (Col 9, lines 23-35). The rubber seal (27) cannot prevent relative movement between the electro-reactive medium and the housing as required by the claims. Accordingly, Endo et al. does not meet these limitations

Claim 6 requires one layer of compressible medium with a one layer of electro-reactive medium above the compressible medium and another layer below the compressible medium. Endo et al. does not disclose a compressible medium different than an electro-reactive medium. Therefore, Endo et al. cannot meet the limitations of claim 6.

Claim 12 requires a controller that varies electrical current supplied to the coil assembly. Endo et al. does not include a coil assembly and therefore cannot meet this limitation.

Claims 13 requires three layers of compressible medium an three layer of electro-reactive medium. Claim 14 requires that the layer of electro-reactive medium and compressible medium are alternated such that no two adjacent layers are identical. As Endo et al. does not include a compressible medium different than the electro-reactive medium, Endo et al. cannot meet these limitations.

Claim 17 requires multiple layers of compressible medium wherein at least two of the multiple layers of compressible medium comprise different compressible medium. Claim 18 requires multiple layers of compressible medium where at least two of those layers are different electro-reactive medium. Endo et al. discloses only the use of single type of electro-reactive medium, and does not disclose compressible medium that is not an electro-reactive medium and therefore cannot meet these limitations.

Claim 24 requires a plate for preventing intermixing of the compressible medium and the electro-reactive medium. As Endo et al. does not disclose the combination of a compressible medium different than the electro-reactive medium, it cannot meet this limitation.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. No additional fees are seen to be required. If any additional fees are due, however, the

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Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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